

Agency Case # 201419499

Arrest Affidavit

56 2014CF0030324

Use separate forms for each defendant and for multiple offenses occurring at different time, date or location
 Court Case # Copy To: Clerk of Court / State Attorney / Jail / Arresting Agency / Defendants

- Juvenile
 Warrant

Defendant Data

Beer	Michael	E		(772) 621-8039	12/06/1966	47		Male
Last Name	First Name	Middle Name	Aliases (A.K.A.)	Phone Number	Date of Birth	Age	SSN	Gender

Permanent Address	City	State Zip	Drivers License #	FL	United States
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White	Hair Color	Eye Color	6'02	Weight	Distinguishing Marks	/St Lucie County School
Race						Occupation / Employer / School

Arrest Information

201419499	Dangelo, Christopher	3046	Port St. Lucie Police Department	FL0560200	No
Agency Case #	Officer	Officer ID #	Agency	Agency ORI #	Domestic Related

9/28/2014	1400 hrs	Offense Street Address	Offense City	State Zip	Probable Cause
Offense Date	Offense Time				Charge Status

10/01/2014	2010	Arrest Street Address	Arrest City	State Zip	Residence Type
Arrest Date	Arrest Time				

Warrant(s) #	Alcohol Influence	BAL	Drug Influence	No	Weapon(s) Seized	Weapon(s) Type
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Charge Information

Add	Statute #	Statute Subsection & Definition	Counts	Type	Activity
X	782.04 (1A2) FC2536	Homicide-murder While Engaged In Certain Felony Offense	1	Felony	Committed
X	827.03 (2A) FF7324	Cruelty To Child - Aggravated Child Abuse	1	Felony	Committed

Additional Party Information - (Codefendants & Victims)

Add	Party Type	Name	Address	City	State	Zip	Phone
X	Victim						

For Jail Use Only

232781	5601204266	φ	FBI #	N3 Doc 4671	Bondsman / Surety Name	Bond Amount
Inmate Id	OBTS #	FDLE #		Booking Officer		

Summary of Offenses and Probable Cause Affidavit

Case Synopsis:

On September 29th 2014, Ofc Capozzi responded to [REDACTED] in reference to an unresponsive [REDACTED] year old, later identified as [REDACTED]

As Ofc Capozzi arrived, St Lucie County Fire Rescue Fourteen was already on scene. Due to the fact the child was unresponsive rescue fourteen immediately transported the child to Tradition Medical Center.

Based upon the medical condition of [REDACTED] the Port St Lucie Police Department's Criminal Investigations Division was notified. Detective Butterworth responded to Tradition Medical Center for a further investigation.

Detective Butterworth made contact with Michael Beer, [REDACTED] to [REDACTED]. Michael told Detective Butterworth the following; currently he has been the [REDACTED] to [REDACTED] since July 2014. Since residing in his home, Michael has placed [REDACTED] in school and now has [REDACTED] seeing a speech therapist. Presently Michael is only aware of the following medical conditions; asthma and he has ear tubes. Recently [REDACTED] was diagnosed with stomatitis and Michael was directed to use Chapstick and Aquaphor on his lips, as needed. [REDACTED] condition worsened and Michael brought [REDACTED] back to his pediatrician on September 23. [REDACTED] was prescribed Amoxicillin 3.75mL twice a day for 7 to 10 days via a liquid dropper.

Michael stated today was a typical Sunday. He (Michael) took his [REDACTED] [REDACTED] and [REDACTED] to church in the morning. The boys [REDACTED] and [REDACTED] remained at the house with [REDACTED] Michelle. When they returned home from church, [REDACTED] were laid down for a nap. Michael stated [REDACTED] was crying in his bed shortly after 1:00 PM. Michael found [REDACTED] to be fine and told him to lay back down. At approximately 2:00 PM [REDACTED] woke up and needed a diaper change. Michael walked into the bedroom, where [REDACTED] was sleeping, in order to

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change [REDACTED] When Michael entered into the room he found [REDACTED] lying on the floor, face up. Michael noticed [REDACTED] lips were pale and he had trouble breathing. Michael then picked up [REDACTED] and contacted emergency services.

At approximately 5:05 PM, [REDACTED] was pronounced deceased by Dr. Nathan Mohseni, D.O. Dr Mohseni advised Detective Butterworth while en-route to the ER [REDACTED] had a heart rate of 30 beats per minute and shallow breathing. Upon arrival, [REDACTED] had a low heart rate and no respiration, which required Rescue to provide breath through bagging. The medical team was able to reestablish [REDACTED] pulse and attempt a CAT scan. While en-route to CT [REDACTED] lost his pulse and it was never regained. At the time of death, Dr. Mohseni was unable to provide an accurate cause of death.

At approximately 7:00 PM, Detective Butterworth spoke with Michelle Beer at Tradition Medical Center. Michelle informed Detective Butterworth that [REDACTED] was absolutely fine during the day, adding that he was helping her with laundry and pushing laundry baskets around the home [REDACTED] and [REDACTED] ate lunch when Michael returned home from church, which was approximately 11:30 AM. [REDACTED] ate his lunch and then walked to his bed for his normal afternoon nap. Michelle then left the residence at approximately 1:30 PM, with [REDACTED] for Tutti Frutti and Starbucks. Michael was left at the residence with [REDACTED]. Michelle went on to say she returned home just before the ambulance arrived to take [REDACTED] to the hospital.

Investigation:

On September 30th 2014, Detective Butterworth and I made contact with Dr. Mittleman, Medical Examiner. Dr. Mittleman conducted an autopsy on [REDACTED] and during the autopsy Dr. Mittleman noted several concerning issues. Dr. Mittleman found two severe lacerations to [REDACTED] liver along with bruising to [REDACTED] kidney, gallbladder, pancreas and inner lining of [REDACTED] rib cage. Dr. Mittleman stated the severity of these injuries is consistent with using blunt force citing examples of a punch or a kick. Dr. Mittleman also advised that it is impossible the injuries were sustained through a fall or lifesaving medical procedures. Dr. Mittleman advised that once injuries were sustained it would take minutes to less than an hour for the internal bleeding to cause a loss of consciousness and death. Based upon the finding from the autopsy, Dr. Mittleman concluded the injuries were sustained from blunt force and ruled this incident to be a homicide.

I made contact with [REDACTED] Michelle and Michael Beer at their residence. Michelle and Michael both agreed to meet me at the Port St Lucie Police Department and speak about the above investigation.

During a recorded interview I spoke with Michelle Beer and she told me the following; on Sunday the family awoke up around 0700 to 0730 hours. When awake Michelle began to make breakfast for the children and started to get them ready for church. Approximately 0945 hours Michael went to the van and it would not start. Being the van did not start Michelle stayed home with the boys, [REDACTED] Michael left with [REDACTED] for church. While home Michelle sorted laundry and from time to time while [REDACTED] helped. Michelle mentioned [REDACTED] was in good spirits, did not appear to be ill and did not complain of any injuries. Michael and the girls returned home from church, approximately 1130hrs. All the kids began to play together and at no time did the kids complain of fighting/pushing or shoving. No time did Michelle see rough behavior between the children. Michelle began to prepare lunch for the children and approximately 1200hrs [REDACTED] ate. After eating Michelle did not observe any signs of discomfort within [REDACTED]. At approximately 1230hrs Michelle took [REDACTED] to his room, changed his diaper and laid him on his bed. No time did [REDACTED] seem in discomfort or make any type of noises for pain. At approximately 1300hrs she heard [REDACTED] make a whimpering/cry sound. Michelle mentioned this was a normal cry type sound, as of [REDACTED] having a nightmare. It was not a cry for pain or discomfort. Michelle said that Michael went to [REDACTED] room, opened the door and told [REDACTED] to go back to sleep. Approximately 1330hrs Michelle left the residence, with [REDACTED] Michelle took the girls to Starbucks and Tutti Frutti. After Starbucks and Tutti Frutti, Michelle went to Walgreen's to pick up Michael's blood pressure medication. Michelle then travels back to her residence and once she arrives at her residence she immediately notices Michael exiting the home with [REDACTED]. Not knowing what is taking place, Michelle removes [REDACTED] from Michael. Michelle does not recall [REDACTED] having blood running from his mouth, ears or nose. Michelle then lays [REDACTED] on the ground and begins to perform rescue breaths. It appeared [REDACTED] began to breath and at no time did Michelle attempt chest compressions. Rescue arrived on scene and immediately removed [REDACTED] from Michelle for transport to Tradition Medical Center.

The only medical condition Michelle was aware of was tubes within his ears. Michelle mentioned to me that is was not common for [REDACTED] to fall out of bed, he does not jump on his bed, he does not jump from his couch, is not known to climb on furniture and he does not play aggressive. [REDACTED] has not been involved in any type of motor vehicle accident or had any type of traumatic injury. There has never been an issue with the children playing rough with each other (fighting/punching/kicking). When Michelle left her residence on Sunday at approximately 1330hrs, [REDACTED] was not in discomfort nor did he appear to have any injuries sustained.

During a recorded interview I spoke with Michael Beers and he told me the following; Sunday morning he woke up around 0630hrs with [REDACTED]. Michael changed [REDACTED] diaper and began to feed him. Michael recalls having to get [REDACTED] out from his bedroom in order to get him feed and ready for church. After getting everyone ready, Michael attempted to start the van but it would not start. Michael agreed to take [REDACTED] to church, while Michelle stayed home with [REDACTED]. Michael mentioned when [REDACTED] woke up this morning he did not observe [REDACTED] in any discomfort and noted he woke up in a good mood. Michael arrived back to the residence after 1100hrs, while Michelle was preparing lunch. Michael told me both boys [REDACTED] ate their lunch and after lunch it was nap time. Michael was unsure who placed [REDACTED] to sleep but stated it was approximately 1200hrs. Prior to [REDACTED] falling asleep Michael did not notice any signs of discomfort or any type of injuries/trauma to [REDACTED]. Approximately 1300hrs Michael recalls [REDACTED] whimpering. Michael enters into [REDACTED] bedroom and finds [REDACTED] sitting up, Michael tells [REDACTED] it is not time to wake up and to go back to sleep. Michael then exits the bedroom and begins to watch football. Approximately 1400hrs [REDACTED] wakes and

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Michael begins to play with him. [REDACTED] needed a diaper change (approximately 1430hrs). Michael takes [REDACTED] into [REDACTED] bedroom and notices [REDACTED] lying on the floor. Michael hears [REDACTED] whimpering but thinks nothing of it. Michael walks over to the changing table and tells [REDACTED] "It's ok to get up and go play; [REDACTED] will change your diaper later". Michael continues to change [REDACTED] diaper and notice's [REDACTED] has not gotten up. Michael then looks at [REDACTED] and observes [REDACTED] lips to be discolored. Michael then panics, takes [REDACTED] from the changing table, exits the bedroom, places [REDACTED] in a jumper, goes back into [REDACTED] bedroom and picks him up. Michael attempted to call Michelle but she did not answer, once she did not answer he called for emergency services. Prior to picking up [REDACTED] Michael did not notice any blood exiting from [REDACTED] nose, mouth or ears. Michael did not perform CPR or any type of life saving efforts on [REDACTED]. Emergency services told Michael to exit his residence, with [REDACTED] and wait for rescue. When Michael exited the residence he noticed Michelle pulling into the driveway. Michelle exited the vehicle, immediately grabbed [REDACTED] and attempted rescue breathing. Rescue arrived immediately and removed [REDACTED] from Michelle for transport to Tradition Medical Center.

At this point during the investigation I told Michael the severity of injuries/trauma caused to [REDACTED]. Michael again mentioned to me that he was the only individual in the care of [REDACTED] while he was asleep. I stated to Michael the injury occurred by some sort of blunt force, Michael could not provide me with any explanation as to how these injuries occurred. I asked Michael if it is common for [REDACTED] to jump from the bed, jump from the furniture or play rough with or without the other children. Michael replied no. I then asked Michael if [REDACTED] was involved in any type of traumatic event/injury, Michael mentioned no. Again Michael mentioned he was the only one in the care of [REDACTED] while Michelle was absent from the residence. At no time could Michael provide me with a logical explanation as to why or how these injuries were sustained.

Det. Butterworth then conducted an interview with [REDACTED] who is Michael and Michelle's [REDACTED]. He told [REDACTED] that he wanted to speak with her about Sunday and what happened with [REDACTED]. She stated that she woke up before [REDACTED] who was then woke up by Michael and he did his usual routine. [REDACTED] stated his usual routine consisted of getting his diaper changed, getting dressed, and eating breakfast. She then went to church with her father and [REDACTED] and then came home. They ate lunch together as a family, and afterwards [REDACTED] and [REDACTED] took their afternoon naps. Det. Butterworth asked [REDACTED] who took [REDACTED] to his room for a nap, which she stated that Michael usually puts him down. On this date [REDACTED] stated that she, [REDACTED] and Michelle were sitting on the couch playing on their electronic devices. Michael took [REDACTED] to bed, but added that [REDACTED] walked to the bed without difficulty because she didn't hear him bump into the wall. Det. Butterworth then asked [REDACTED] if she heard any crying, or [REDACTED] fighting going to a nap. [REDACTED] stated that [REDACTED] usually will whine when Michael takes him in to change his diaper and lay him down for a nap. He then asked why she thinks [REDACTED] would whine, and she stated because Michael would put him down "too rough." [REDACTED] stated that Michael would grab him by one hand from the floor and put him down "not gentle" in a "hard way." She then demonstrated how Michael would put [REDACTED] to bed with a teddy bear, grabbing it by one arm and swinging it onto the floor. Det. Butterworth asked [REDACTED] if Michael would be "not gentle" when he was upset or frustrated with [REDACTED] to which she answered yes. [REDACTED] then stated that she did not see Michael do that on this specific day as she was sitting on the couch.

After the boys were taking naps, [REDACTED] stated she left the residence with Michelle and [REDACTED] to get Tutti Frutti and Starbucks at approximately 1:30 PM. They went to Starbucks first, then Tutti Frutti, and lastly stopped at a store where they made a quick stop. [REDACTED] stated they then went back home and Michael was running out with [REDACTED] and the phone. Michael gave [REDACTED] to Michelle, who she said began giving him breaths. [REDACTED] then went into the house with [REDACTED] to watch [REDACTED] until [REDACTED] was taken to the hospital.

Michelle then requested to speak with Michael. During their conversation Michael repeatedly mentioned he did nothing to "that baby". Michelle told Michael that he was the only one home, Michael repeatedly affirmed that he was the only one home while she was absent from the residence.

While speaking with each other DCF entered the room and advised both Michael and Michelle that due to the nature of this investigation and not knowing which one of you did they will be removing their [REDACTED] from there care and custody. Michael replies, "well wait a minute she (meaning Michelle) was not even home."

I then provided Michelle with a 1993 DCF report, regarding an alleged child abuse involving Michael. Michael was in the care and custody of a two year old female in Palm Beach County. The finding included the two year old female to have a hematoma under her eye, bruising on the tops of her ears (from twisting), a skull fracture, a broken leg and several bruises and welts. Michael claimed that he has never seen this allegation before and denied causing the abuse.

Based upon the above investigation and facts surrounding this case there is sufficient probable cause to believe Michael Beer committed the crimes of murder F.S.S. 782.04 and aggravated child abuse F.S.S. 827.03. Beer did in fact unlawfully kill a human being, [REDACTED] year old [REDACTED]. This act was committed by Beer and at the time the act was committed Beer was engaged in the act of aggravated child abuse.

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The preceding is true to the best of my present knowledge or belief.
* Sequence number taken from finger print card containing this QBTSC # for this arrest.



Signature

Sworn & Subscribed before me this 1st Day of October 2014
Notary / ASA SPH JAS
My Commission Expires CEO
Agency PSC PD